APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/296,452	04/21/1999	TIMO BRUCK	WEB-340	8411

22913   7590   01/17/2002

WORKMAN NYDEGGER & SEELEY
1000 EAGLE GATE TOWER
60 EAST SOUTH TEMPLE
SALT LAKE CITY, UT 84111

EXAMINER
HUYNH, SON P

ART UNIT	PAPER NUMBER
2611	

DATE MAILED: 01/17/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 07-01)

Office Action Summary	Application No. 09/296,452	Applicant(s) BRUCK ET AL.
	Examiner Son P Huynh	Art Unit 2611

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>03</u> MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on <u>21 April 1999</u> .

2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☐ Claim(s) <u>1-57</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) <u>1-3,5-9,11-15,17-21,23-26,28-57</u> is/are rejected.

7) ☒ Claim(s) <u>4,10,16,22 and 27</u> is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☒ The drawing(s) filed on <u>21 April 1999</u> is/are: a)☐ accepted or b)☒ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) ☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

    If approved, corrected drawings are required in reply to this Office action.

12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____ .

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

    a) ☐ The translation of the foreign language provisional application has been received.

15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .

4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: .

DETAILED ACTION

Claim Rejections - 35 USC § 102

1.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

2.   Claims 1-3, 5-9,11-15,17-21, 23-26,41-42 and 50 are rejected under 35

U.S.C. 102(a) as being anticipated by Schindler (US 6,081,830).

Regarding claim 1, Schindler discloses a computer system having a graphical

user interface including a display 38, a method comprising the steps of:

Receiving video signal from plurality of channels such as NBC, ABC, CBS... and

displaying the video signal on the display of television 18 (see col. 3, lines 8-56).

Receiving text communications from one or more viewers of the video signal, the

text communications being related to the video signal; and displaying the received text

communications on the display with the video signal on display screen 38 (see col. 7,

lines 2-44).

Regarding claim 2, Schindler discloses the video signal is displayed in a video region 40 and the text communications are displayed in the chat region 52 or the display 38 (see figure 3).

Regarding claim 3, Schindler discloses the chat region 52 of the display 38 is adjacent the video region 40 of the display 38 (see figure 3).

Regarding claim 5, Schindler discloses identifying characteristic xyz or the video signal is displayed outside (chat room xyz 44) of the video region of the display (see fig. 3).

Regarding claim 6, Schindler discloses the identifying characteristic xyz identifies an episode of a television series included in the video signal (see fig. 3).

Regarding claim 7, Schindler discloses the identifying characteristic identifies a television series corresponding to the video signal (see fig. 3).

Regarding claim 8, Schindler discloses the identifying characteristic identifies a television network affiliate providing the video signal (see col. 4, lines 17-20).

Regarding claim 9, Schindler discloses the identifying characteristic identifies a television network providing the video signal (see col. 4, lines 12-24).

Regarding claim 11, Schindler further discloses the method comprising the steps

of: determining an identifying characteristic of the video signal; and defining a user

interface for display of the text communication, the user interface being configured to

reflect the identifying characteristic of the video signal (see col. 6, lines 9- 43 or figure

2).

Regarding claim 12, Schindler discloses the user interface includes a predefined

chat region 52 for display of the text communications (see figure 3).

Regarding claim 13, Schindler disclose the user interface includes a predefined

video region 40 for display of the video signal (see figure 3).

Regarding claim 14, Schindler discloses an entertainment system includes a

graphical user interface for presentation on a display 38, a method comprising the steps

of: receiving a broadcast video signal from a broadcast signal source such as NBC,

ABC... displaying the broadcast video signal in a video region 40 of the display 38 (see

col. 3, lines 44-56 and figure 3); receiving text communications from a chat source

(sever 20) different from the broadcast signal source, the text communication including

text from two or more viewers of the broadcast video signal, and the text

communications being related to the broadcast video signal (see col. 6, lines 26-43);

and displaying the received text communications in the chat region 52 or the display 38,

the text communications being displayed on the display 38 with the broadcast video

signal (see fig.3 and col. 7, lines 1-44).

Regarding claim 15, Schindler discloses the chat region 52 of the display 38 is

adjacent the video region 40 of the display.

Regarding claim 17, Schindler discloses an identifying characteristic xyz in the

chat room 44 of the broadcast video signal is displayed outside of the video region 40 of

the display 38 (see fig. 3).

Regarding claim 18, Schindler discloses an entertainment system which includes

a graphical user interface for presentation on a display, the method comprising the

steps as discussed in the rejection of claim 14. The method further comprising the steps

of: determining an identifying characteristic of the broadcast video signal; and selecting

a user interface template which defines a video region for display of the broadcast video

signal, a chat region for display of the text communications from the chat source, and a

logo region for display of a logo xyz which reflects the identifying characteristic of the

broadcast video signal (see fig. 3 or col. 7, lines 3-44).

Regarding claim 19, Schindler discloses the identifying characteristic identifies a

broadcast network, network affiliate, television show or episode of the broadcast video

signal (see fig. 3 and col. 3, line 44- col. 4, line 24).

Regarding claim 20, Schindler discloses a graphical user interface for

presentation on a display device, the graphical user interface comprising: a video region

40 of the display for presentation of a video program having an identifying characteristic;

and a chat region 52 of the display for real-time presentation of text communications

between viewers of the video program during viewing of the video program, wherein the

graphical user interface (television controls area 42 or chat room 44) outside the video

region is determined at least in part by an identifying characteristic of the video program

(see fig. 3 or col. 7, lines 3-44).

Regarding claim 21, Schindler discloses the chat region 52 of the display is

adjacent the video region 40 of the display 38.

Regarding claims 23-26, the claimed elements correspond with the elements

method for computer system in claims 6-9 and are analyzed as discussed in the with

respect to the rejections of claims 6-9.

3.   Claims 41-42 are rejected under 35 U.S.C. 102(a) as being anticipated by

Moncreiff (US 5,828,839).

Regarding claim 41, Moncreiff disclose an entertainment system for use in

supplementing video programming with interactive text communications for concurrent

presentation on a video display, the entertainment system comprising: a control unit

(user computer 18) configured to receive video programming for presentation on the

display, and to present a chat option on the display 22, and to present a chat option 94

on the display for selection by a program viewer (see fig. 1 and fig. 4), and a server

arrangement (server computer 12) configured to communicate with the control unit (user

computer 18) upon selection of the chat option for identification of the video

programming, the server arrangement further being configured to determine a chat

room identity based on the identified video programming and to communicate text

communications within the identified chat room to the control unit for presentation on the

video display concurrently with the video programming (see col. 5, lines 46-67, fig. 1

and fig.8).

Regarding to claim 42, Moncreiff discloses a server arrangement includes a web

server (server computer 12) in communication with the control unit (user computer 18)

to receive a video program identify from the control unit and to determine a video-

program-based chat room identity for transmission to the control unit (user computer

18); a chat server (chat module 26) configured to establish the identified chat room and

to communicate text communication within the identified chat room to the control unit for

presentation on the video display (see fig. 1, fig. 8 and col. 5, line 31-col. 6, line 16).

Regarding claim 50, Moncreiff discloses an entertainment system including a

video display 22 configured to present video programming from a video program source

12 and to present text communications from a chat room of a chat server 26, a control

unit (user computer 18) that can receive a video program for presentation on the video

display, and configured to receive a unique program identifier of the video program for

selection of a chat room based on the unique program identifier (see col. 5, lines 22-67);

a browser device 20 in communication with the video receiver to identify the selected

chat room, the browser device being configured to communicate with the selected chat

room and to present text communications occurring within the selected chat room on

the video display concurrently with the video program (see fig. 1, col.1 lines 16-33, col.

5, lines 46-67, col. 8, lines 1-67 and col. 10, lines 66).

Claim Rejections - 35 USC § 103

4.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negative by the manner in which the invention was made.

5.   Claims 28-40, 43-49 and 51-57 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Schindler (US 6,081,830) and in view of Moncreiff (US 5,828,839).

Regarding claim 28, Schindler discloses a method for presentation of information

on a display screen of a computer system, the method comprising the steps of:

receiving a video program from a program source; presenting the video program in a video region of the display screen 38 (see col. 7, lines 2-6); providing for text communications between the program viewer and other program viewers over a communication network and presenting the text communications in a chat region 52 of the display 38 (fig.3) . However, Schindler discloses an automatic linking to program-specific computer chat room instead of presenting a chat option for selection by a program viewer.

Moncreiff discloses a method for presentation of information on a display screen of a computer system with the steps of presenting a chat option (enter chat button 96) for selection by a program viewer; upon selection "enter chat" button 96, the chat module 26 presents a chat screen 102 (fig. 8) to the user (see col. 5, lines 64-67). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Schindler by providing a chat option as taught by Moncreiff in order to give the program viewer more options while watching television program.

Regarding claim 29, Schindler discloses the step of providing for text communications between the program viewer and other program viewers includes defining a chat room in a chat server, a chat room having a chat room identity based on a unique program identifier of the video program (see col. 6, lines 26-43).

Regarding claim 30, Schindler in view of Moncreiff disclose the step of providing

for text communications between the program viewer and other program viewers

includes: communicating selection of the chat option to a web server for determination

of a chat room identity and receiving the chat room identity from the web server as

taught by Moncreiff (see col. 6,lines 26-43); and communicating the chat room identity

to a chat server for use in defining a chat room in the chat server, the chat room serving

as a communication link between program viewers as taught by Schindler (see col.6,

lines 43).

Regarding claim 31, Moncreiff discloses the step of communicating selection of

the chat option involves communicating a unique program identifier of the video

program to the web server (see col. 5, lines 46-67).

Regarding claim 32, Moncreiff discloses the chat room identity if a predetermined

variant of the unique program identifier (see col. 8, lines 7-28).

Regarding claim 33, Schindler discloses a method as discussed in the rejection

of claim 28. Schindler further discloses a method of determining an identifying

characteristic of the video program using channel selection on the television control

area 42; and defining a background for a portion of a user interface which reflects the

identifying characteristic (xyz) of the video program (see fig. 3).

Regarding claims 34-37, the claimed elements correspond with the elements method for computer system in claims 6-9 and are analyzed as discussed with respect to the rejections of claims 6-9.

Regarding claim 38, Schindler in view of Moncreiff disclose a method as discussed in the rejection of claim 28. A video program that has program start time, program end time, etc. is well known to those skilled in the art. Schindler further discloses if the user does not change the channel, the information in areas 46 and 52 are updated as necessary by the server, and sent to the computer for display (see col. 7, lines 47-49). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Schindler and Moncreiff by allowing a computer system receiving a second video program from the program resource after conclusion of the video program in order to allow program viewer watching a second video program without switching channel.

Regarding claim 39, Moncreiff discloses the chat option is presented only during receipt of the video program from the program source (see col. 5, lines 46-67).

Regarding claim 40, Schindler in view of Moncreiff disclose a method as discussed in the rejection of claim 28. A video program that has program start time, program end time, etc. is well known to those skilled in the art. As a result, the step of

interrupting text communications related to the video program between program viewers upon conclusion of the video program.

Regarding claim 43, Moncreiff discloses an entertainment system with a web server (server computer 12) as discussed in the rejection of claim 42. However, Moncreiff fails to explicitly disclose the web server is configured to determine an identifying characteristic of the video programming, and to define a user interface based, at least in part, on the identifying characteristic of the video program.

Schindler discloses the web server (server 20) is configured to determine an identifying characteristic of the video programming, and to define a user interface based, at least in part, on the identifying characteristic of the video program (see col. 4, lines 24-65 and fig. 3). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Moncreiff by providing a web server as taught by Schindler in order to expand capabilities of the web server.

Regarding claims 44-47, the claimed elements correspond with the elements method for computer system in claims 6-9 and are analyzed as discussed with respect to the rejections of claims 6-9.

Regarding claim 48, the claimed elements are analyzed as discussed in the rejection of claim 38.

Regarding claim 49, Schindler discloses that each program has an identification code (see col. 6, lines 20-25) and the chat room is generated based on the identification code of the channel (see col. 6, lines 35-39). As a result, the subsequent chat room has a chat room identity based on subsequent video programming.

Regarding claim 51, Moncreiff discloses the browser device 22 is further in communication with a web server to receive a chat background (see col. 4, lines 6-28 and fig. 8). However, Moncreiff fails to disclose the background reflects an identifying characteristic of the video program.

Schindler discloses the background reflects an identifying characteristic of the video program (see fig.3). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Moncreiff by providing a background reflects an identifying characteristic of the video program in order to allow program viewers easily realize the currently program.

Regarding claims 52-55, the claimed elements correspond with the elements method for computer system in claims 6-9 and are analyzed as discussed with respect to the rejections of claims 6-9.

Regarding claims 56-57, the claimed elements correspond with the elements for entertainment system in claims 48-49 and are analyzed as discussed with respect to the rejections of claims 48-49.

Allowable Subject Matter

6.   Claims 4, 10,16,22,27 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter: the prior art of record fails to show or fairly suggest the chat region of the display overlies the video region of the display and the identifying characteristic includes a background underlying other displayed data.

Conclusion

7.   The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Zigmond (US 6,215,483) discloses combining real-time and batch mode logical address links

White (US 5,596,373) discloses method and apparatus for providing program-oriented information in a multiple stations broadcast system.

Alexander (US 6,177,931) discloses systems and methods for displaying and recording control interface with television programs, video, advertising information and program scheduling information.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Son P Huynh whose telephone number is 703-305-1889. The examiner can normally be reached on 8:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Faile can be reached on 703-305-4380. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and 703-872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-306-0377.

Son P. Huynh
January 14, 2002

ANDREW FAILE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600